



Docket No.: KSM-0216
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hirotaka Uefuji et al.

Application No.: 10/623,854

Confirmation No.: 1437

Filed: July 22, 2003

Art Unit: 1632

For: COMPOSITE UTILIZATION OF A GROUP OF
GENES IN BIOSYNTHETIC PATHWAY OF
CAFFEINE

Examiner: Not Yet Assigned

SECOND INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith on Form PTO-1449 or PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 or PTO/SB/08 be returned in accordance with MPEP §609.

- ☒ A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§1.97 and 1.98
- ☐ As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. _____, filed _____.
- ☐ A copy of each listed document, that was cited in the International Search Report or International Preliminary Examination Report attached hereto, should have been provided to the U.S. Patent and Trademark Office by the WIPO, and the provisions of 37 CFR §§1.97 and 1.98 should have been complied with.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

- ☒ 1. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the present application. **No fee is required** (37 C.F.R. §1.97(b)). The Patent Office is **NOT AUTHORIZED** to charge deposit account 18-0013 under 37 CFR §§ 1.97(c)(2) and 1.17(p). However, **ONLY IF** a first Office Action on the merits was mailed before filing of this Information Disclosure Statement, please charge deposit account 18-0013 in the amount of \$180.00 for payment of the fee under 37 CFR §§ 1.97(c)(2) and 1.17(p).
- ☒ 2. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013 as needed to ensure consideration of the disclosed information.

Dated: June 1, 2005

Respectfully submitted,

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PTO/SB/08a/b (08-03)
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/623,854-Conf. #1437
				Filing Date	July 22, 2003
				First Named Inventor	Hiroataka Uefuji
				Art Unit	1632
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	KSM-0216

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	EP-1 055 727-A2	11-29-2000	Mitsui Chemicals, Inc.		√
	BB	EP-1 197 558-A2	04/17/2002	Nara Institute of Science and Technology		√

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	European Search Report for co-pending application mailed on December 29, 2003.	
	CB	Hiroshi Ashihara et al., "Caffeine: a well known but little mentioned compound in plant science", TRENDS in Plant Science, ELSEVIER SCIENCE, OXFORD, GB, vol. 6, no. 9, September 2001, pages 407-413, XP002215149, ISSN: 1360-1385.	
	CC	Osamu Negishi et al., "N-Methyl Nucleosidase from Tea Leaves", Agriculture and Biological Chemistry, vol., 52, no. 1, 1988, pages 169-175, XP002261600, ISSN: 0002-1369.	
	CD	Mikihiro Ogawa et al., "7-Methylxanthine Methyltransferase of Coffee Plants", THE JOURNAL OF BIOLOGICAL CHEMISTRY, The American Society of Biochemistry and Molecular Biology, Inc., vol. 276, no. 11, March 16, 2001, pages 8213-8218, XP002215148, ISSN: 0021-9258.	
	CE	Hiroataka Uefuji et al., "Molecular Cloning and Functional Characterization of Three Distinct N-Methyltransferases Involved in the Caffeine Biosynthetic Pathway in Coffee Plants", PLANT PHYSIOLOGY, American Society of Plant Biologists, vol. 132, no. 1, May 2003, pages 372-380, XP002261601, ISSN: 0032-0889.	
	CF	Kouichi Mizuno et al., "The first committed step reaction of caffeine biosynthesis: 7-methylxanthosine synthase is closely homologous to caffeine synthases in coffee (Coffea arabica L.)", Federation of European Biochemical Societies, Elsevier Science Publishers, vol. 547, no. 1-3, July 17, 2003, pages 56-60, XP004438819, ISSN: 0014-5793.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Signature		Date Considered	
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